



## INTERIOR BOARD OF INDIAN APPEALS

Paiute Indian Tribe of Utah v. Western Regional Director, Bureau of Indian Affairs

38 IBIA 106 (09/12/2002)

Reconsideration denied:

38 IBIA 128



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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ARLINGTON, VA 22203

PAIUTE INDIAN TRIBE OF UTAH,  
Appellant

v.

WESTERN REGIONAL DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Docketing and Dismissing  
: Appeal  
:  
:  
: Docket No. IBIA 02-157-A  
:  
:  
: September 12, 2002

This is an appeal under 25 C.F.R. § 2.8, "Appeal from inaction of official," in which the Paiute Indian Tribe of Utah alleges that the Western Regional Director, Bureau of Indian Affairs, has failed to take action on its request for trust acquisition of an 80-acre parcel near Kanosh, Utah.

The Tribe submits a copy of its July 1, 2002, letter to the Regional Director requesting action under 25 C.F.R. § 2.8 and a copy of the Regional Director's August 1, 2002, response. The Regional Director's response indicates that the Tribe was advised on August 13, 2001, that it must satisfy certain conditions revealed in the Phoenix Field Solicitor's April 23, 2001, preliminary title opinion before trust acquisition could be completed. The Regional Director further stated that his records showed no evidence that the Tribe had taken the necessary action.

The Tribe does not contend that it has acted to satisfy the conditions revealed in the preliminary title opinion. Therefore, this appeal must be dismissed in order to permit the Tribe to do so. See Paiute Indian Tribe of Utah v. Western Regional Director, 38 IBIA 15 (2002).

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed and dismissed without prejudice.

//original signed

Anita Vogt  
Administrative Judge

//original signed

Kathryn A. Lynn  
Chief Administrative Judge